

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

YAMILET ISABEL MARTINEZ,

Defendant.

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CASE NO.: 23-MJ-00427-GJF

UNOPPOSED MOTION TO CONTINUE
GRAND JURY PRESENTMENT

COMES NOW YAMILET ISABEL MARTINEZ, by and through attorney of record, Cori A. Harbour-Valdez, and hereby moves the Court to extend the time period for indictment in this matter until August 27, 2023. In accordance with *United States v. Toombs*, 574 F.3d 1262 (2009), the Defendant by this motion, must create a sufficient record to justify the granting of the motion to continue. *See id.*, 574 F.3d at 1271 (requiring that the record on a motion to continue contain an explanation of why the mere occurrence of the event identified by the party as necessitating the continuance results in the need for additional time). As grounds therefore, Ms. Martinez would show as follows:

1. On March 22, 2023, Defendant waived preliminary hearing in this case and granted the Government a total of 105 days from the date of arrest to present the case to the grand jury for indictment. [Doc. 14]
2. The extended time period for indictment expires on or about June 28, 2023.
3. Ms. Martinez is accused of possession or receipt of a firearm or ammunition by a

convicted felon, in violation of 18 U.S.C. § 922(g)(1). [Doc. 1]

4. The parties are negotiating a possible resolution to this matter. An additional sixty (60) days for grand jury presentment, from June 28, 2023 until August 27, 2023, should be sufficient to allow the parties to complete these negotiations and determine whether a plea agreement can be reached or whether the case will proceed to trial.
5. Ms. Martinez is in agreement with this request to continue grand jury presentment in this matter. She understands that if this matter proceeded to an indictment, the Government may be unable to enter into a plea agreement and would instead seek a higher sentence in this matter.
6. Assistant United States Attorney Maria Armijo does not oppose Defendant's request to extend the time for indictment herein.
7. It is in the best interest of justice that the period within which to indict be extended for an additional sixty (60) days or until August 27, 2023. The time necessary to complete negotiations is excludable pursuant to 18 U.S.C. § 3161(h)(7)(A). Counsel believes that the ends of justice will be served by the granting of this motion. Counsel further believes that the need for a continuance of grand jury presentment in this matter outweighs the interest of the public and the defendant in a speedy trial.

WHEREFORE, PREMISES CONSIDERED, Ms. Martinez prays the Court enter an Order extending the time-period for indictment until August 27, 2023, to allow the parties to complete negotiations in this case.

Respectfully submitted,

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By: /s/ Cori A. Harbour-Valdez
Cori A. Harbour-Valdez

CERTIFICATE OF SERVICE

I, Cori A. Harbour-Valdez, do certify that on June 6, 2023, I caused the instant motion to be filed with the Clerk of the Court using the CM/ECF system that will serve all other parties entitled to service and notice.

/s/ Cori A. Harbour-Valdez
Cori A. Harbour-Valdez